

REMARKS

Claims 1-5 and 10-16 are pending in the application. Claims 1-5 and 10-15 have been amended. Claim 16 is newly added. Reconsideration of this application is respectfully requested.

The Office Action objects to claims 2-5 and 10-15 because they should "The computer system" rather than "A computer system". Claims 2-5 and 10-15 have been amended by changing "A" to "The". Accordingly, it is respectfully submitted that the objection to claims 2-5 and 10-15 is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 1, 4 and 10-15 under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,173,327 to De Borst et al., hereafter De Borst.

This rejection is inapplicable to independent claim 1 as amended. Amended claim 1 recites that the protocol adapter framework "provides a plurality of services that permits coding of a thinner application, which includes at least one of said protocol adapters, without responsibility for coding or providing said services". Support for this language appears at page 3, lines 4-9, the services being items 42, 50, 11 and 40 in Fig. 1.

De Borst does not teach the feature of the above quoted portion of amended independent claim 1. The Examiner contends that De Borst discloses protocol adapters 131, 133 and 135 in Fig. 5. However, De Borst contains no description of services in column 7 (cited by the Examiner) or elsewhere that describes a plurality of services that permit coding of a thinner application, which includes at least one of said protocol adapters 131, 133 and 135, without responsibility for coding or providing the services as recited in amended claim 1.

For the reason set forth above, it is submitted that the rejection of claims 1, 4 and 10-15 under 35 U.S.C. 102(e) as anticipated by De Borst is inapplicable to amended independent claim 1 and dependent claims 4 and 10-15 and should be withdrawn.

The Office Action rejects claims 2, 3 and 5 under 35 U.S.C 103(a) as unpatentable over De Borst in view of U.S Patent No. 6,014,694 to Aharoni et al., hereafter Aharoni.

This rejection is inapplicable for the reasons set forth above in the discussion of amended independent claim 1, from which claims 2, 3 and 5 depend. Aharoni was cited as showing a video server and not as showing the deficiency of De Borst noted in the discussion of amended independent claim 1.

The Office Action provides no motivation for one skilled in the art to combine De Borst and Aharoni. The Office Action suggestion to use De Borst in combination with Aharoni is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reasons set forth above, it is submitted that the rejection of claims 2, 3 and 5 under 35 U.S.C. 103(a) is inapplicable and should be withdrawn.

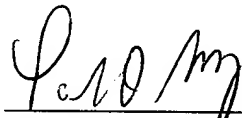
The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

Newly presented claim 16 depends on amended independent claim 1 and, therefore, is allowable for the same reasons set forth above in the discussion of claim 1. New claim 16 additionally recites a group of services from which the services are selected. Accordingly, it is submitted that claims distinguish from the cited art and are, therefore, allowable.

It is respectfully requested for the reasons set forth above that the objection to claims 2-5 and 10-15 be withdrawn, that the rejections under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) be withdrawn, that claims 1-5 and 10-16 be allowed and that this application be passed to issue.

Respectfully Submitted,

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